

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELISA TURESIN,

Plaintiff,

v.

CITY OF SUNNYVALE, et al.,

Defendants.

Case No. [15-cv-04551 NC](#)**ORDER DISMISSING PLAINTIFF'S
COMPLAINT WITHOUT
PREJUDICE FOR FAILURE TO
SERVE**

Re: Dkt. No. 15

In this unlawful arrest and excessive force case, plaintiff Turesin has not served the defendants with a copy of her complaint. Under Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Turesin filed her complaint on October 2, 2015. Dkt. No. 2. However, she has failed to serve the defendants to date.

The Court has already extended Turesin’s time for service of the defendants to February 19, 2016. *See* Dkt. No. 12. She has failed to meet the extended deadline.

Federal Rule of Civil Procedure 4(m) does provide that “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” However, Turesin has not shown good cause for her continued failure to serve the defendants since filing her complaint.

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1 In response to this Court's order at docket 14 to show cause why the complaint
2 should not be dismissed for failure to serve, Turesin argues that "[a]dditional investigation
3 was conducted and needed, and continues." Dkt. No. 15 at 1. Turesin states that "[t]his
4 matter was filed to preserve the state claims statutes of limitations. We continue our
5 investigation and inquiries."

6 However, Turesin does not show cause for why she failed to serve the defendants,
7 and instead agrees that the best course of action would be "to serve the summons and
8 complaint and then meet and confer with Defendants regarding additional information
9 needed to amend pleadings so the proper issues may be framed and parties named." *Id.* at
10 2. By suggesting that she serve the defendants now without giving explanation for why
11 she has not previously, Turesin concedes that she lacks good reason for the failure.
12 Moreover, Turesin does not show what investigation excused her failure to serve the
13 defendants.

14 Accordingly, Turesin's complaint is dismissed without prejudice. The clerk is
15 ordered to terminate case No. 15-cv-04551 NC.

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17 **IT IS SO ORDERED.**

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19 Dated: March 15, 2016

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22 NATHANAEL M. COUSINS
23 United States Magistrate Judge
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